IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Susai *et al.*	Art Unit: 2144
Application number: 09/690,437	Examiner: Phan, Tam T.
Filed: October 18, 2000	
For: *APPARATUS, METHOD AND COMPUTER PROGRAM FOR EFFICIENTLY POOLING CONNECTIONS BETWEEN CLIENTS AND SERVERS*	
Attorney Docket No.: 2006579-454 (CTX-170RCE)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Declaration under 37 C.F.R. § 1.131

I, Rajiv Sinha, declare as follows:

1.   I am currently Vice President of Engineering at Citrix Application Networking, LLC of San Jose, California. My responsibilities include directing and managing engineering activities related to the research, development, production and maintenance of Citrix Application Delivery solutions, including the subject matter of the above-identified patent application.

2. Citrix Systems, Inc. acquired NetScaler, Inc. on August 16, 2005, and consequently NetScaler, Inc. became Citrix Application Networking, LLC ("Citrix"). For purposes of this declaration, any reference to NetScaler throughout the remainder of this document and in any Exhibits attached hereto shall also denote Citrix, and vice-versa.

3. I am a co-inventor of the subject matter disclosed and claimed in the United States Patent Application Serial Number 09/690,437, filed October 18, 2000, and entitled "Apparatus, Method And Computer Program For Efficiently Pooling Connections Between Clients And Servers" (the '437 application).

4.   This declaration is presented for the purpose of removing from consideration U.S. Patent Publication 2002/0042839 to Peiffer et al. (hereinafter "Peiffer"), which incorporates by reference U.S. provisional application 60/239,552 to Peiffer et al. Peiffer has an effective filing date of October 10, 2000.

5.   At least as early as June 8, 2000, one or more co-inventors of the present application reduced to practice an embodiment of the invention as claimed by the currently pending claims 1-8 of the present application, attached as **Exhibit A**, in a Citrix product commercially referred to as WebScaler.

6.   The commercial form of the WebScaler product included a hardware component and a software component. The WebScaler hardware component was implemented as a rack-mounted device or appliance that included the software component. The term "WebScaler" typically referred to the WebScaler product in its device form. The software component was also referred to as "WebScaler" but typically with a version number, such as "WebScaler 2.0".
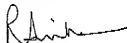
7.   As evidenced by as **Exhibit B,** Citrix announced on May 8, 2000, the introduction of the WebScaler product. As cited in the "Pricing and Availability" section of this press release, Citrix announced that the WebScaler product would be ready for shipment to customers on June 8, 2000. Attached as **Exhibit C**, an internal Citrix email dated June 5, 2000 describes that Citrix had completed the software component of the WebScaler product, referred to as WebScaler 2.0, in time for shipment on June 8, 2000.

8.   In the fifth paragraph of the May 8, 2000 press release, the WebScaler device is described as:

> WebScaler is NetScaler's first implementation of its patent-pending Web Transaction
> Management(TM) (WTM) architecture. WTM technology is causing a paradigm shift by

identified in the May 8, 2000 press release included a reduction to practice of currently pending claims 1-8 of the present application.   The WTM Architecture opened a first transport layer connection between a first client and the WebScaler device and opened a second transport layer connection between the WebScaler device and a server. The WebScaler device allowed the first client to access information on the server via the second connection. The WebScaler device opened a third transport layer connection between a second client and the WebScaler device, and allowed the second client to access information on the server via the second connection without waiting for said first client to disconnect.

10.   I declare that all statements made herein of my own knowledge are true, and that those statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like are made punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the '437 application or any patents that may issue thereon.

_____
Rajiv Sinha

10/5/2/01
_____
Date

EXHIBIT A

IN THE CLAIMS

1. (Previously Presented) An apparatus comprising:

    means for opening a first transport layer connection between a first client and an interface unit;

    means for opening a second transport layer connection between said interface unit and a server;

    means for allowing said first client to access information on said server via said second connection;

    means for opening a third transport layer connection between a second client and said interface unit; and

    means for allowing said second client to access information on said server via said second connection without waiting for said first client to disconnect.

2. (Previously Presented) The apparatus of claim 1, further comprising:

    means for delinking said first connection and said third connection while keeping open said second connection.

3. (Previously Presented) The apparatus of claim 1, wherein said means for allowing said second client to access information on said server via second connection is comprised of:

    means for utilizing a content length parameter to determine whether all of said information has been sent to said first client.

4. (Previously Presented) The apparatus of claim 1, wherein said means for allowing said second client to access information on said server via said second connection is comprised of:

    means for utilizing two or more chunk-size fields to determine whether all of said information has been sent to said first client.

<u>EXHIBIT A</u>

5.   (Previously Presented) A method comprising the steps of:

   opening a first transport layer connection between a first client and an interface unit;

   opening a second transport layer connection between said interface unit and a server;

   allowing said first client to access information on said server via said second connection;

   opening a third transport layer connection between a second client and said interface unit;
and

   allowing said second client to access information on said server via said second
connection without waiting for said first client to disconnect.

6.   (Previously Presented) The method of claim 5, further comprising the steps of:

   delinking said first connection and said third connection while keeping open said second
connection.

7.   (Previously Presented) The method of claim 5, wherein said allowing said second client
to access information on said server via second connection is comprised of:

   utilizing a content length parameter to determine whether all of said information has been
sent to said first client.

8.   (Previously Presented) The method of claim 5, wherein said allowing said second client
to access information on said server via said second connection is comprised of:

   utilizing two or more chunk-size fields to determine whether all of said information has
been sent to said first client.

EXHIBIT B

NetScaler Introduces New WebScaler Internet Accelerator to Attack the `World Wide Wait'.

Business Wire

Business Editors/High-tech Writers

NetWorld Interop 2000 Booth No. 3452

New Web Transaction Management Architecture Dramatically

Improves Performance and Scalability to Advance

Internet Quality of Experience (QoX)

LAS VEGAS--(BUSINESS WIRE)--May 8, 2000

NetScaler today unveiled WebScaler(TM) -- a new Internet infrastructure device that advances Internet Quality of eXperience (QoX(TM)) by accelerating and protecting Web transactions, particularly under high traffic and peak load conditions.

Initial customer deployments have demonstrated that WebScaler dramatically improves server response time up to 100 times and enables conventional Web sites to service up to twice the number of users. The system also protects Web sites from traffic surges and denial of service attacks to ensure fast response even during peak periods.

WebScaler is not a cache or load balancing system. It provides acceleration and scalability for all Internet services including Web sites, cache clusters, and content delivery networks. The WebScaler Internet accelerator works transparently with existing Internet infrastructure systems and Web server platforms, requiring no modification to standard network protocols.

"By improving the reliability and efficiency of high-traffic Web sites and high-volume Internet services, WebScaler is the first Internet infrastructure product to ensure Quality of eXperience, or QoX, a superior online experience for Web site visitors," said Michael Susai, president and chief executive officer of NetScaler. "WebScaler delivers better Web service even during peak periods and 'flash crowd' events. It enhances customer

retention at the Web site and enables more completed transactions to increase a company's revenues and profitability."

WebScaler is NetScaler's first implementation of its patent-pending Web Transaction Management(TM) (WTM) architecture. WTM technology is causing a paradigm shift by transforming the Internet from a TCP session-based network to a low-overhead Web transaction-based medium that increases Web site performance and reliability and improves server efficiency. WTM breaks the dependency between TCP connections and HTTP requests, enabling Web transactions to freely flow across multiple, managed server sessions.

"The Internet services market is becoming more competitive," said David Schwartz, senior analyst at Gartner. "Companies are looking to find ways to differentiate their services. An ideal way to do this is to adopt technologies such as Web Transaction Management, which improve the end-user quality of experience and also improve the revenue model at the same time."

WebScaler accelerates the delivery of Web content and increases the service capacity of the existing infrastructure, making it an ideal solution for providers of mission critical Web applications such as e-commerce, Web hosting, Web publishing, and other application services.

Initial customer trials and deployments at companies such as marchFIRST, Inc. and CashSurfers, Inc. demonstrate that WebScaler can improve Web server processing capacity by up to 100 percent, and improve response time by up to 100 times under heavy loads. The surge protection feature regulates traffic to servers to prevent them from entering overload conditions during traffic surges and peak periods. WebScaler is the first product to protect against distributed denial of service attacks that use legitimate HTTP requests to overload Web servers.

"In our experience with WebScaler, we've seen significant performance and scalability benefits, providing up to an eight fold improvement in web server response times and allowing them to handle up to twice as many requests," said Jason Harmon, Director of Platform Services, marchFIRST Integrated Application Services. "One particularly attractive aspect of the system is that response times remain consistent even under heavy user load, enabling the delivery of quality service even in high traffic periods.

WebScaler is well-suited for application service providers wanting to improve response time and maximize the capacity of their infrastructure."

"The WebScaler product has been running in our production environment for several months and we have seen impressive results," said Noah Mapstead, chief technology officer at CashSurfers, Inc., a provider of online advertising services serving over forty millions hits per day. "WebScaler has doubled our site capacity, enabling us to serve more customers and lower our infrastructure costs."

WebScaler is a complimentary solution to "client-side" Internet services such as cache clusters and content delivery networks, speeding delivery of both static and dynamic Web content. WebScaler is the only solution that can accelerate delivery of dynamic content served from origin servers across the Internet, providing up to a 30 percent improvement in response time. In addition, the system improves the response time of cache systems up to 300 percent while increasing the capacity of page delivery up to 90 percent. WebScaler adds value to the business model for ISPs and providers of content delivery networks by enabling them to offer a complete solution that accelerates all types of Web content and lowers overall infrastructure costs at the same time.

WebScaler is designed as an easy-to-use rack-mount system that is compatible with all Web server platforms, operating systems, and applications. It is easy to install, and operates without modification to server systems. Using WebScaler, Web sites operate more efficiently even under peak loads to avoid the high costs associated with overbuilding.

Pricing and Availability

WebScaler can be ordered immediately. Initial shipments will begin on June 8, 2000. The base price for WebScaler is $20,000. WebScaler will be demonstrated at the Networld + Interop 2000 tradeshow in Las Vegas in booth No. 3452 in "Startup City."

About NetScaler

NetScaler is a leading provider of Internet infrastructure solutions that enhance the efficiency, performance and availability of Web and Internet services at the origin and edge of the network to advance Internet Quality of eXperience (QoX). NetScaler, a privately held company, has received financial backing from Gabriel Venture Partners,

Credit Suisse First Boston and founders and principals from companies such as AboveNet, Cisco, Exodus, HotMail (Microsoft) and SMART Modular Technologies. NetScaler is headquartered in Santa Clara, CA. For more information, contact NetScaler at 408/330-9200, www.netscaler.com or info@netscaler.com.

Note to Editors: WebScaler, Web Transaction Management, and QoX are trademarks of NetScaler, Inc.

EXHIBIT C

EXHIBIT C

McKenna, Christopher J.

From:	Sergey Verzunov [Sergey.Verzunov@citrix.com]
Sent:	Monday, June 05, 2000 12:51 PM
To:	company
Subject:	WebScaler 2.0 Release to the World

Hello everybody.

WebScaler 2.0 has been released in the form of **BUILD 48.**

Software CD has been given into production both to APRO and CD production factory.

Unless something extremely urgent comes this package is
final for the **WebScaler 2.0.**

Thanks.